

**DEPARTMENT OF CONSUMER AFFAIRS
LEGISLATIVE DIGEST
2001 Legislative Session**

A. CONSUMER PROTECTION

(1) AUTOMOBILES/LEMON LAW

<u>Bill/Author</u>	<u>Title/Description</u>	<u>Disposition</u>
AB 854 Briggs	<u>Air Quality: Smog Check Certificates for Used Cars</u> Provides that smog check certificates of compliance for used motor vehicles are effective for two years instead of 180 days.	Enacted
AB 1058 Pavley	<u>Air Quality: Carbon Dioxide</u> Would require the Air Resources Board (ARB) to develop and adopt, by January 1, 2004, regulations that achieve the maximum feasible reduction of CO2 emitted by passenger vehicles and light duty trucks. Also would require ARB to report to the Legislature by January 1, 2004 on the content of resulting regulations, and prohibit the ARB regulations from going into effect before January 1, 2005.	Two Year Bill
AB 1258 Wiggins	<u>Rental Cars: Out-of-State Vehicles</u> This urgency statute provides, from September 11, 2001 until January 1, 2002, upon findings by the Department of Motor Vehicles and the Air Resources Board, that car rental companies are authorized to rent specified passenger vehicles in this state that are registered in another state. This statute is in response to the increase in out-of-state rental cars that came into California as a result of transportation difficulties caused by the September 11, 2001 attack on America. <i>The Governor's signing message states that the Governor is signing this legislation with the understanding that rental car contracts will not include any unnecessary out-of-state fees or surcharges, nor should the prorated "vehicle license fee," that is normally assessed on California registered vehicles be collected from customers under the circumstances covered by the legislation.</i>	Enacted
AB 1560 Nation	<u>Auto Repair and Smog Check Enforcement Enhancement</u> This Department of Consumer Affairs-sponsored statute enhances the ability of the State to stop automotive repair and smog check fraud. Provides that the Bureau of Automotive Repair may establish hardware specifications, performance standards, and operational requirements for the certification of smog check test analyzer systems. Enhances the Bureau's use of interim suspension orders against smog check technicians who commit fraudulent acts.	Enacted

SB 91 Figueroa	<u>Unlicensed Vehicle Dealers</u>	Two Year Bill
	Attempts to stop fraudulent car sales by limiting the ability of unlicensed vehicle dealers to collect on loan agreements that were entered into illegally. Also requires that dealers must pay-off the balance on trade-in vehicles within 30 days.	
SB 100 Johannessen	<u>Smog Check: Kit Car Exemption</u>	Enacted
	Exempts a limited number (the first 500) of specially constructed vehicles (kit cars) from the Smog Check Program each year by establishing a new procedure for determining the model year of kit cars for purposes of vehicle registration and smog check certification.	
SB 170 Escutia	<u>Auto Sales: False Advertising</u>	Two Year Bill
	Would state the Legislature's intent to explore the issue of multiple private lawsuits against automobile dealers based on unfair competition and false advertising laws, and to determine whether legislation is necessary to help resolve these multiple lawsuits and avoid the imposition of multiple judgments upon the defendant automobile dealers.	
SB 281 O'Connell	<u>Vehicle Sales and Leases: Disclosure of Fees</u>	Enacted
	Makes changes to fee disclosure requirements, such as the \$1.00 tire fee disposal and an obsolete smog impact fee, on vehicle sale and lease contracts	
SB 481 Speier	<u>Vehicle Dealers: Sales and Advertising</u>	Enacted
	Requires advertised vehicles to be sold at or below the advertised total price regardless of whether the purchaser has knowledge of the advertised total price. Also requires vehicle dealers to display the advertised prices of vehicles in their showrooms, and allows the advertised total price of a vehicle to exclude the California tire fee.	
SB 774 Margett	<u>Recreational Vehicles</u>	Two Year Bill
	Would bring recreational vehicle (RV) dealers under the regulatory mechanism of the New Motor Vehicle Board in the Department of Motor Vehicles for the first time. Specifically, this bill would provide added protection for both RV purchasers and franchises by providing that RV transactions are subject to the same dispute resolution process as new motor vehicles. Also provides that RV manufacturers may not refuse or fail to enter into a written franchise agreement with any new RV dealer.	
SB 800 Johannessen	<u>Collector Motor Vehicles: Smog Check Exemption</u>	Two Year Bill
	Would create a new motor vehicle classification, "collector motor vehicles," and define these vehicles as a motor vehicle that is 25 or more model-years old, not used by the owner as a primary source of transportation, and used primarily for purposes of display at events such as collector shows, exhibitions, and parades, or to obtain necessary repairs and maintenance. Upon application, owners of "collector motor vehicles" would be issued special identification plates for the vehicle. Additionally, "collector motor vehicles" would be exempt from smog check requirements.	

SB 1100 Johannessen	<u>Vehicle Dealers: Continuing Education Exemption</u>	Enacted
	Exempts dealers who annually handle less than 50 vehicles and sell them exclusively on a wholesale basis from continuing education requirements.	
SB 1144 Karnette	<u>Leased Motor Vehicles: Seatbelt Requirements</u>	Two Year Bill
	Would make it a crime for an automobile dealer to lease or offer for lease any passenger vehicle manufactured on or after January 1, 1968, other than a motorcycle, unless it is equipped with seatbelts for each seating position.	
SB 1178 Burton	<u>Automotive Crash Parts: Certification Study</u>	Enacted
	Requires the Bureau of Automotive Repair, in consultation with the Department of Insurance and other interested parties, to conduct a study by 2003 to determine the best process for certifying automotive crash parts. Requires the study to consider the appropriate standards or criteria for certifying crash parts and to include a recommendation regarding the appropriate agency to oversee crash parts certification. Appropriates \$125,000 from the Vehicle Inspection and Repair Fund to fund the study.	
(2) BUSINESS PRACTICES		
AB 256 Wayne	<u>Consumer Contracts: Jurisdiction</u>	Vetoed
	Would have addressed jurisdictional issues related to civil actions by or against out-of-state vendors. Consumer contract disputes initiated by an out-of-state seller against a California consumer would have to be addressed in a California court. Also would have prohibited these provisions from being waived or varied by agreement of the parties.	
AB 357 Correa	<u>Health Studio Contracts</u>	Vetoed
	Would have increased the monetary limit on health club contracts from \$1,000 to \$2,500, and would have allowed health clubs to increase the cost beyond this limit if certain requirements are met. Would have provided for pro-rata refund of unused membership dues of contracts of \$750 or more. <i>The Governor indicates in his veto message that he would be willing to consider a bill that raises the \$1,000 limit on contracts, but only if it truly adds meaningful consumer protections such as a lower threshold for pro-rated refunds and a reasonable limitation on nonrefundable initiation fees.</i>	
AB 372 Nation	<u>Home Warranty and Service Contracts</u>	Two Year Bill
	Would remove the Department of Insurance's jurisdiction over home warranties (except those in connection with real estate sales, and those that cover heating, cooling, electric wires and plumbing), and instead place jurisdiction with the Department of Consumer Affairs' Bureau of Electronic and Appliance Repair.	

AB 491 Frommer	<u>Rental Vehicles: Damage Waiver Fee: Airport Facility Fee</u>	Enacted
	Allows car rental agencies to increase the amount they may charge for optional collision damage waivers for rental vehicles valued over \$19,000. Allows airports to impose a customer facility charge to finance consolidated airport car rental facilities or transportation systems between airport terminals and consolidated car rental facilities. Requires car rental agencies to collect this fee from car rental customers.	
AB 587 Firebaugh	<u>Civil Rights Actions: Penalties</u>	Enacted
	Enhances the penalties for hate crimes, such as violence against a person or their property motivated by bias against the victim's race, religion, ethnic origin, gender or sexual orientation, by permitting government attorneys to seek specified civil penalties in actions brought on behalf of victims. Also raises from \$1,000 to \$4,000 the minimum damages that may be awarded for violations of various civil rights acts.	
AB 779 Romero	<u>Penalty for Unauthorized Practice of Law</u>	Two Year Bill
	Would allow the Attorney General, a district attorney or a city attorney, to represent citizens to recover specified and actual damages that result from the unauthorized practice of law in financial fraud and immigration fraud cases. This bill is identical to SB 1194 since the author is now in the State Senate.	
AB 794 Shelley	<u>Contractors: Liability</u>	Two Year Bill
	Would prohibit a licensed contractor from insulating himself from liability for his/her negligence on willful misconduct that results in harm.	
AB 839 Lowenthal	<u>Junk Faxes</u>	Two Year Bill
	Would enhance existing law regulating the use of facsimile (fax) machines for advertisements by prohibiting the use of fax machines to disseminate unsolicited advertising and promotional materials.	
AB 1074 Nakano	<u>Advertising: Floral Telephone Listings</u>	Two Year Bill
	Would prohibit florists from misrepresenting the geographic location of their business by requiring florists who are not physically located locally to list their true geographic location in advertisements. This is a reintroduction of a vetoed bill from last year (AB 1375, House, 1999).	
AB 1088 Jackson	<u>Gender Price Discrimination</u>	Enacted
	Enhances existing pricing information disclosure requirements by requiring tailors, hair salons, dry cleaners and laundry services to: 1) conspicuously post the prices of their 15 most frequently requested standard services, 2) provide a complete price list of all services to customers upon request, and 3) post a sign stating that California law prohibits pricing discrimination and that a complete price list is available upon request.	
AB 1258 Wiggins	<u>Rental Cars: Out-of-State Vehicles</u>	Enacted
	See page 1.	

AB 1297 Papan	<u>Pawnbroker Fees</u> Increases the amounts that pawnbrokers may charge for administrative costs, including loan setup fees, handling and storage fees, and fees for services and costs relating to the preparation and mailing of an expiration notice for failure to redeem a pawned product during the loan period.	Enacted
AB 1486 Dutra	<u>Building Inspections: Immunity From Liability</u> Would provide immunity from liability for certain engineers, land surveyors, and architects, who contract with developers to inspect and check plans relating to residential building construction to determine compliance with building standards, or to inspect a work of improvement to determine compliance with the plans and specifications.	Two Year Bill
AB 1534 Longville	<u>Construction Projects: Subcontractor Payment</u> Requires property owners who contract for private construction projects to financially secure those projects by one of several specified methods, such as a payment bond, a letter of credit, or a construction security escrow account to ensure that subcontractors are paid. These payment requirements only apply to work that has been completed.	Enacted
AB 1596 Shelley	<u>Limited Liability Partnerships for Architects</u> Continues the authorization for architects to form domestic and foreign limited liability partnership to engage in the practice of architecture by extending the sunset date of this law by five years to January 1, 2007.	Enacted
AB 1679 Shelley	<u>Contractors' Responsibility for Temporary Employees</u> Would have made contractors responsible for the safety and wages of temporary employees.	Vetoed
SB 85 Murray	<u>Health Studio Contracts</u> Prohibits a health club contract from requiring payments or financing beyond the term of the actual contract. For example, if the contract covers a three-year period, payment cannot go beyond three years.	Enacted
SB 91 Figueroa	<u>Unlicensed Vehicle Dealers</u> See page 2.	Two Year Bill
SB 110 Ackerman	<u>Debt Collectors: Abbreviated Process</u> Would authorize debt collectors to file small claims actions in small claims courts after paying a special filing fee. This abbreviated process would be studied by the Judicial Council and repealed on July 1, 2005.	Two Year Bill
SB 170 Escutia	<u>Auto Sales: False Advertising</u> See page 2.	Two Year Bill
SB 281 O'Connell	<u>Vehicle Sales and Leases: Disclosure of Fees</u> See page 2.	Enacted

SB 481 Speier	<u>Vehicle Dealers: Sales and Advertising</u> See page 2.	Enacted
SB 628 Figueroa	<u>Consumer Warranties and Service Contracts</u> Would place additional disclosure requirements regarding repair information on consumer warranties and service contracts. Specifically, this bill would: 1) require consumer warranties to contain 12-point boldface type regarding repair information, and 2) require service contracts to indicate whether or not the merchandise can be repaired and picked up at the retail store of purchase.	Two Year Bill
SB 916 Ackerman	<u>Discount Buying Organizations</u> Excludes specified discount buying organizations from regulation under existing law if they establish a \$50,000 escrow account to be used for membership refunds and provides certain disclosures to consumers regarding membership refund procedures. Also requires the Attorney General's Office to ensure compliance with the exemption requirements.	Enacted
SB 1102 Alarcon	<u>Architectural and Engineering Services for Public Contracts</u> Would clarify that public agencies can contract with private vendors for landscape architect services, in the same way that they can contract for architectural and engineering services.	Two Year Bill
SB 1144 Karnette	<u>Leased Motor Vehicles: Seatbelt Requirements</u> See page 3.	Two Year Bill
SB 1194 Romero	<u>Penalty for Unauthorized Practice of Law</u> Allows the Attorney General, a district attorney or a city attorney, to represent citizens to recover specified and actual damages that result from the unauthorized practice of law in financial fraud and immigration fraud also. This bill is identical to AB 779 (Romero).	Enacted
SB 1218 Romero	<u>Use of Unclaimed Class Action Damages</u> Requires unpaid residuals from class action litigation (<i>cy pres</i>) to be paid either to: 1) nonprofit organizations to support projects beneficial to the class or to promote the law consistent with the objectives of the litigation, or 2) child advocacy programs or nonprofit legal services programs.	Enacted
(3) COURT SYSTEM & LEGAL SERVICES		
AB 36 Steinberg	<u>Secrecy Agreements in Consumer Lawsuits</u> Would prohibit secrecy agreements in lawsuits based on bodily injury or wrongful death allegedly caused by a defective product or an environmental hazard. SB 11 is a similar bill. See page 10.	Two Year Bill

AB 146 Wayne	<u>State Attorneys and Administrative Law Judges: Service on State Bodies</u>	Enacted
	Provides that state attorneys in non-elective positions and administrative law judges may serve on a local appointed or elected governmental board, commission, committee, or other body, or as a local elected official, if such service would otherwise not present a conflict of interest. This provision brings the rules for attorneys employed by the state into conformity with longstanding rules for attorneys employed by local agencies.	
AB 158 Pacheco, Robert	<u>Legal Para-Professionals: Registration Requirements</u>	Enacted
	Clarifies that a certificate of registration for legal document assistants, unlawful detainer assistants, specified process servers, and professional photocopiers becomes invalid if the required surety bond expires or after expiration of the two-year registration term. Authorizes early renewal of a certificate and allows the effective date of the certificate to start upon the expiration of the current certificate. This is clean-up legislation to SB 1418 (Rosenthal, Chapter 1079, Statute of 1998).	
AB 256 Wayne	<u>Consumer Contracts: Jurisdiction</u>	Vetoed
	See page 3.	
AB 268 Wayne	<u>Structured Settlement Payment Rights</u>	Enacted
	Clarifies regulation of the sale of structured settlements, by placing additional disclosure requirements on the seller, adding new oversight procedures, and requiring the transferee (settlement buyer) to obtain court approval of the sale in order for the transfer to be effective. These changes would apply to transfers occurring on or after January 1, 2002.	
AB 363 Steinberg	<u>State Attorneys: Whistleblower Protections</u>	Two Year Bill
	Would attempt to enhance whistleblower protections for attorneys employed by state agencies. Specifically, this bill would urge the State Bar of California, by January 31, 2002, to amend its rules of professional conduct to clarify the circumstances under which public sector attorneys may act to protect the public interest even though their actions may disclose client confidences.	
AB 456 Campbell, John	<u>Class Actions: Attorney's Fees</u>	Two Year Bill
	Would limit attorney's fees to attorneys for prevailing plaintiffs in a class action or an action based on the common fund doctrine against the state, any of its subdivisions, or a nonprofit organization or corporation, as specified.	
AB 543 Vargas	<u>Mechanics' Liens</u>	Two Year Bill
	Would declare the Legislature's intent to revise and reorganize the laws relating to mechanics' liens and stop notices to modernize and simplify the statutes and address problems, such as the potential for double payment by homeowners.	

AB 568 Dutra	<u>Mechanics' Liens</u>	Two Year Bill
	Would declare the Legislature's intent to revise and reorganize the laws relating to mechanics' liens and stop notices to modernize and simplify the statutes and address problems, such as the potential for double payment by homeowners.	
AB 587 Firebaugh	<u>Civil Rights Actions: Penalties</u>	Enacted
	See page 4.	
AB 698 Wesson	<u>Attorney General: Office of Immigrant Assistance</u>	Vetoed
	Would have created the Office of Immigrant Assistance in the office of the Attorney General. <i>The Governor vetoed this bill because it would have created an office that already exists.</i>	
AB 752 Briggs	<u>Advertising Legal Services for Construction Defect Litigation</u>	Two Year Bill
	Would require advertisements for legal services relating to home construction defects to disclose specified information, including attorney's fees, legal obligations imposed on homeowners upon a finding that their home has or may have a construction defect, and potential financial impacts that may result if a homeowner does not rectify a discovered home construction defect. Would make a violation of these provisions by the attorney grounds for disciplinary action by the State Bar.	
AB 779 Romero	<u>Penalty for Unauthorized Practice of Law</u>	Two Year Bill
	See page 4.	
AB 785 Bates	<u>Commercial Courts: Pilot Project</u>	Two Year Bill
	Would establish a four-year pilot project to be administered by the Judicial Council for the purpose of evaluating the effectiveness of maintaining separate departments to handle complex commercial cases within the superior courts.	
AB 873 Harman	<u>Transfer of Property Not Subject to Probate of Former Spouse</u>	Enacted
	Provides that the dissolution or annulment of marriage would cancel the designation of a former spouse as the beneficiary of specified property/property rights, absent clear and convincing evidence that the transferor intended to preserve the specified property/property rights of the former spouse.	
AB 881 Smithian	<u>Discovery of Confidential Information in Settlement Agreements</u>	Two Year Bill
	Would provide that information that is not subject to disclosure in a court action may be sent to and reviewed by a governmental agency that is responsible for regulating the subject matter of the information, such as defective products or environmental hazards. This is one of three bills, including AB 36 and SB 11, that address confidentiality of settlement agreements.	

AB 913 Steinberg	<u>State Legal Service Contracts: Pro Bono Legal Service Requirements</u>	Enacted
	Requires a contract with the state for legal services that exceeds \$50,000 to certify that the contracting law firm agrees to make a good faith effort to provide some free legal services during each fiscal year of the contract. Becomes operative on January 1, 2003.	
AB 982 Firebaugh	<u>Internet Law School Accreditation</u>	Two Year Bill
	This bill would require the State Bar Examining Committee to report to the Legislature on their efforts to develop standards of accreditation for law school programs that are offered through the Internet. Also would require the committee to report to the Legislature on the effectiveness and scope of the law students' examination (Baby Bar).	
AB 1006 Jackson	<u>Court Reporter Salaries in Ventura County</u>	Enacted
	Changes the salary structure of the official court reporters in Ventura County and removes limits on initial salary hiring rates. Makes clarifying changes to reflect trial court restructuring under the California Constitution.	
AB 1067 Jackson	<u>Arbitration Standards</u>	Two Year Bill
	Would establish professional or ethical standards for arbitrators. Also would allow the court to vacate an unjust award at the consumer's request and hold a court hearing on the arbitrated matter if it determines the award is the result of legal or factual error by the arbitrator.	
AB 1083 Bates	<u>Paralegal Title Protection</u>	Enacted
	Clarifies the definition of paralegal to specify that only those persons who are qualified by education, training, and work experience may advertise themselves as a paralegal.	
AB 1504 Pacheco, Robert	<u>Disclosure of Attorneys' Fees and Early Settlement Demands</u>	Two Year Bill
	Would require all contingency fee agreements for legal services to include, in writing, the actual hourly rate the contracting attorney charges for his or her services. Also would require that in a dispute involving damages resulting from a motor vehicle accident, the attorney representing the plaintiff to make a written demand, by certified mail, prior to filing suit.	
AB 1641 Campbell, John	<u>County Recorders: Digitized Images</u>	Two Year Bill
	Would allow all other counties the same authority as San Bernardino and Orange County to accept, in lieu of a written paper document, a digitized image of a recordable instrument.	
AB 1700 Steinberg	<u>Construction Defect Litigation and Court Processes</u>	Enacted
	Makes various technical changes related to services provided for the hearing impaired and trial court funding operations and revises the pre-litigation process ("Calderon Process") for construction defect actions between builders and homeowners' associations involving common interest developments with 20 or more units.	

SB 11 Escutia	<u>Secrecy Agreements in Consumer Lawsuits</u>	Two Year Bill
	Would prohibit confidentiality agreements in cases of bodily injury or wrongful death caused by a defective product or environmental hazard. Would provide that upon settlement, either party could petition the court to protect the confidentiality of certain information. AB 36 is a similar bill. See page 6.	
SB 109 Ackerman	<u>Unfair Practices: Representative Civil Actions</u>	Two Year Bill
	Would prohibit private attorneys representing their own interests or acting on the behalf of the public from bringing additional civil actions against a company for unfair business practices on which a settlement or judgement has already been made on the same issue.	
SB 110 Ackerman	<u>Debt Collectors: Abbreviated Process</u>	Two Year Bill
	See page 5.	
SB 135 Figueroa	<u>Complaint Disclosure: Making Information About Contractors Public</u>	Enacted
	Increases the amount of information available to consumers by authorizing the Contractors State License Board to publicly disclose over the Internet certain complaints filed against its licensees if, and only if, the complaint has been referred for investigation based on a determination of a probable violation. A secondary provision requires dated disciplinary data to be expunged from a licensee's record.	
SB 139 Haynes	<u>Attorney Management of Client Fund Account Interest</u>	Failed In Senate Judiciary Committee
	Would have required that the interest earned on client trust fund accounts to be paid to the clients on a pro rata basis.	
SB 170 Escutia	<u>Auto Sales: False Advertising</u>	Two Year Bill
	See page 2.	
SB 352 Kuehl	<u>Attorneys: State Bar Fees</u>	Enacted
	Extends until December 31, 2003, the State Bar's authority to collect dues up of to \$380, reduces the maximum allowable increase in membership fees for the Client Security Fund from \$40 to \$35 dollars per year, and makes other technical changes.	

SB 355 Escutia	<u>Liability: Construction Defects</u>	Two Year Bill
	Would provide that a homeowner may sue for the cost to repair all construction defects arising from a contract for residential construction or improvement which: 1) have resulted in damage to any part of the improvement, including damage that occurs only within a single component, as well as the cost to repair all similar defects even though no consequential damage has yet occurred, and 2) would, if left unrepaired, pose a danger to the life, health, safety, or property of the occupants of the improvement in the event of catastrophic loss, regardless of whether those defects have yet caused any consequential damage.	
SB 371 Escutia	<u>Court Interpreters</u>	Two Year Bill
	Would make certified and registered court interpreters employees of the judicial branch, with the right to participate in employee organizations and be represented in employee-employer labor relations.	
SB 410 Kuehl	<u>Arbitration</u>	Two Year Bill
	Would prohibit employers from requiring an employee to agree to arbitrate any claims arising under the Fair Employment and Housing Act as a condition of employment or continued employment and any arbitration agreement obtained in violation of this provision would be void.	
SB 479 Burton	<u>Attorney Diversion Program</u>	Enacted
	Requires the State Bar's Board of Governors to establish a diversion and assistance program for attorneys who suffer from alcoholism, drug abuse, or mental illness. An additional \$10 fee per member will be collected on top of the annual \$380 bar dues to fund the program.	
SB 565 Morrow	<u>Class Actions</u>	Failed in Senate Judiciary Committee
	Would have repealed the statute authorizing class actions in California and instead enacted the Class Actions Improvement Act, which would have raised the requirement of proof necessary for plaintiffs to file a class action in California.	
SB 669 Poochigian	<u>Probate: Property Claims</u>	Enacted
	Revises, recasts, and consolidates provisions that provide for the determination of claims brought to determine ownership of real or personal property claimed by an estate, a ward or conservatee, or a trustee.	

SB 691 McPherson	<u>Governmental Liability: Attorney's Fees</u>	Two Year Bill
	Would permit the award of attorney's fees and, in some cases, other litigation expenses to a local governmental entity, when an action is brought by the owner of a mobilehome park, and if the court finds that the park owner had no reasonable ground to bring the litigation or action.	
SB 805 McPherson	<u>Deposition Procedures: Owner of Recordings</u>	Two Year Bill
	Would specify that non-stenographic technology used by a deposition officer during a deposition for her/his own convenience in preparing a transcript, is the exclusive property of the officer and is not to be regarded as part of the transcript.	
SB 817 Johnson	<u>State Bar Examination Requirements</u>	Enacted
	Revises the eligibility and filing requirements for taking the general bar examination and the attorney's examination.	
SB 927 Escutia	<u>Courts: Domestic Violence: Interpreters</u>	Two Year Bill
	Would require domestic violence proceedings to have a certified or registered interpreter for a person who is deaf or hearing impaired and a certified or registered foreign language interpreter for a person not proficient in English.	
SB 1112 Polanco	<u>Courts: Judicial Holidays</u>	Enacted
	Added Cesar Chavez Day as a judicial holiday.	
SB 1133 Poochigian	<u>Class Actions</u>	Two Year Bill
	Would require appellate review of trial court orders certifying or denying class action certification, provided a notice of appeal is filed within 10 days after entry of the order.	
SB 1194 Romero	<u>Penalty for Unauthorized Practice of Law</u>	Enacted
	See page 6	
SB 1218 Romero	<u>Use of Unclaimed Class Action Damages</u>	Enacted
	See page 6.	

(4) CREDIT & FINANCIAL SERVICES

AB 21 Leslie	<u>Financial Privacy: Opt-Out</u>	Two Year Bill
	Would address financial privacy issues by requiring financial institutions to allow consumers to opt-out of having their personal information disclosed to third parties and affiliates. Also would provide for oversight of financial privacy practices by the Department of Financial Institutions.	

AB 203 Jackson	<u>Financial Privacy: Opt-In</u>	Two Year Bill
	Would address personal privacy issues by requiring financial institutions to obtain prior written consent from consumers (opt-in) to authorize disclosure of their personal information to third parties. Also would provide court penalties and administrative fines for financial institutions that disclose their customers' personal information without proper consent, as well as civil remedies for consumers who are harmed by unauthorized disclosures.	
AB 268 Wayne	<u>Structured Settlement Payment Rights</u>	Enacted
	See page 7.	
AB 371 Koretz	<u>Identity Theft: Consumer Credit Reports</u>	Two Year Bill
	Would require credit-reporting agencies to provide consumers with a free copy of their credit report once a year. Also would require consumer credit reporting agencies to notify consumers when, within a 60-day period, the consumer credit reporting agency has received three credit inquiries or has received a report that would add negative information to the consumer's file.	
AB 488 Kehoe	<u>Identity Theft: Consumer Credit Reports</u>	Enacted
	Makes it easier for consumers to correct questionable credit activity by requiring credit reporting agencies to provide consumers with a list of entities who have requested a copy of their credit report, including contact information for each entity.	
AB 489 Migden	<u>Predatory Lending</u>	Enacted
	Prohibits real estate brokers or agents, commercial or industrial banks, savings associations, and finance lenders from providing high-cost residential mortgage loans or home equity loans to low-income consumers (known as predatory lending). <i>In his signing message, Governor Davis stated concerns about the lack of a preemption provision to prohibit local governments from enacting their own, varied versions of anti-predatory lending laws, and the need to allow equity-based lending for covered loans, which this bill precludes.</i>	
AB 521 Koretz	<u>Credit Card Marketing to College Students</u>	Enacted
	Requires the governing bodies of the University of California, California State University, and the California Community Colleges to adopt policies to regulate the marketing practices used by credit card companies on their campuses.	
AB 655 Wright	<u>Identity Theft: Credit Card Solicitations</u>	Enacted
	Allows consumers to request the removal of their name from credit reporting agency credit card solicitation lists for a minimum of two years, and requires consumer credit reporting agencies to inform consumers of this option. Includes additional provisions to help combat identity theft.	

AB 784 Hertzberg	<u>Privacy Protection: Customer Records</u>	Two Year Bill
	Would include bank account balance information in the list of personal information that businesses are required to destroy in order to protect customers' personal information.	
AB 865 Hertzberg	<u>Credit Card Minimum Payment Information to Consumers</u>	Enacted
	Requires credit card issuers to provide information on the length of time it will take consumers to pay off their balance on a credit card account, as well as the total costs involved, if a consumer only makes the minimum payment every month. This bill was a modified reintroduction of the vetoed AB 1963 (Hertzberg, 2000).	
AB 1297 Papan	<u>Pawnbroker Fees</u>	Enacted
	See page 5.	
AB 1581 Frommer	<u>Payday Loans</u>	Two Year Bill
	Would revise payday loan laws to increase consumer protections and place more requirements on lenders by, among other things: 1) limiting loans to \$300 or 25% of the customer's net monthly income, whichever is less, 2) permitting repayment under a three-month loan repayment plan at 3% interest, 3) prohibiting account set-up fees, 4) requiring lenders to provide information to consumers about their rights under the law, and 5) requiring lenders to maintain a \$25,000 bond. AB 1581 and SB 898 are similar bills. See page 15.	
SB 270 Speier	<u>Private Mortgage Insurance</u>	Enacted
	Amends the required annual disclosure statement provided by mortgage lenders to their borrowers by requiring notification of the right to cancel private mortgage insurance and that the ability to cancel the coverage may be based on various factors, including appreciation of the value of the property.	
SB 387 Johnson	<u>Consumer Credit Reports: Information to Consumers</u>	Two Year Bill
	Would require consumer credit reporting agencies, when providing consumers with decoded written versions of their files, to provide that information in easily understood language.	
SB 608 Dunn	<u>Predatory Lending</u>	Two Year Bill
	Would have enacted the Home Loan Protection Act, which would have created consumer protections related to predatory home lending practices by prohibiting such practices by certain lenders and requiring such lenders to follow a specified procedure in assessing a potential borrower's ability to repay the loan. This bill would also address civil remedies and require the Attorney General to act as a central clearinghouse for complaints against lenders and possible violations of the Act. See AB 489 on page 13.	

SB 773
Speier

Financial Privacy: Opt-In and Opt-Out Protections

Two Year Bill

Would enact the Financial Information Privacy Act of 2002, which would require financial institutions to obtain prior customer consent before sharing confidential consumer information with *nonaffiliated third parties* (opt-in). Also would allow consumers to indicate that they do not want their confidential consumer information shared with *affiliates* by requiring financial institutions to provide a clear and conspicuous written disclosure on an annual basis to inform the consumer that the information may be shared with affiliates (opt-out).

SB 898
Perata

Payday Loans

Two Year Bill

Would revise payday loan laws to increase consumer protections and place more requirements on lenders by, among other things, 1) limiting loans to \$300 or 25% of the customer's net monthly income, whichever is less, 2) permitting repayment under a three-month loan repayment plan at 3% interest, 3) prohibiting account set-up fees, 4) requiring lenders to provide information to consumers about their rights under the law, and 5) requiring lenders to maintain a \$25,000 bond. SB 898 and AB 1581 are similar bills. See page 14.

(5) HEALTH & SAFETY

AB 178
Cox

Toxic Mold Notification

Two Year Bill

Would require landlords who knew or should have known that mold is or has been present in the building, the heating, ventilating, or air conditioning system, or the surrounding environments to provide a specified notice to current tenants and prospective tenants or lessees if the mold exceeds specified standards.

AB 284
Jackson

Toxic Mold Study

Enacted

Requires the California Research Bureau to perform a study and publish findings on toxic mold in indoor environments, and to organize meetings of a review panel to assist in the preparation of appropriate content for the study. Requires the Bureau to submit the findings of the study to both the Legislature and the Director of Health Services by January 1, 2003.

AB 359
Cardoza

Swimming Pools and Spas Entrapment: Safety Requirements

Two Year Bill

Would require the Department of Health Services to adopt regulations, on or before December 31, 2002, that provide standards for protection against entrapment in swimming pools and spas and would subject the regulations to the review and approval of the California Building Standards Commission. Those agencies would also be required to submit a report on the status and progress of the regulations to the Assembly and Senate Committees on Housing and Community Development by July 1, 2002.

AB 603 Dutra	<u>Mattress Fire Safety Standards</u>	Enacted
	<p>Increases mattress flammability standards beginning in 2004 by requiring that all mattresses and box springs be resistant to open flames. Requires the Bureau of Home Furnishings and Thermal Insulation within the Department of Consumer Affairs to establish these new standards, and to determine if other bedding contributes to mattress fires and, if so, to require those products to be flame retardant. Includes funding via a fee increase (from \$540 to \$750) for specified furniture importer and manufacturer licensees to cover expenditures necessitated by this bill.</p> <p><i>The Governor's signing message directs the Department of Consumer Affairs to set the licensing fees at \$650 rather than \$750.</i></p>	
AB 1390 Firebaugh	<u>Air Pollution: Low-Income Community Protection</u>	Enacted
	<p>Requires an air quality management district or air pollution control district with a population of 1,000,000 or more to expend at least 50 percent of the funds appropriated for specified air pollution programs in a manner that directly benefits low-income communities, and communities of color that are disproportionately impacted by air pollution. The statute encourages districts with populations of less than 1,000,000 to apply similar funding approaches.</p>	
SB 332 Sher	<u>Building Standards: Straw-Bale Structures</u>	Two Year Bill
	<p>Would have revised the safety guidelines for the construction of structures, including single-family dwellings, that use baled rice straw as loadbearing or nonloadbearing material. Also would have required the guidelines to apply to the construction of all structures that use baled straw as a loadbearing or nonloadbearing material within a city or county that has adopted the guidelines in existing law prior to January 1, 2002.</p>	
SB 384 Burton	<u>Gas Appliance Safety</u>	Two Year Bill
	<p>Would enact the Gas Appliance Safety Act of 2001 to require the installation of specified excess flow valves to automatically shut off the flow of gas to household gas appliances when a significant gas leak occurs or an overpressure surges. Also would require the installation of excess flow valves by a licensed contractor whenever a building is newly constructed, reconstructed, or sold and require the Division of the State Architect to certify that the valves meet certain standards.</p>	
SB 616 Chesbro	<u>Public Health Laboratory Training Board</u>	Two Year Bill
	<p>Would create the Public Health Laboratory Training Board with a specified membership to be appointed by the Governor. The Board would have designated responsibilities related to the selection and regulation of training sites for new and existing public health laboratory scientists.</p>	

SB 732 Ortiz	<u>Toxic Mold Protection</u>	Enacted
	Enacts the Toxic Mold Protection Act of 2001, intended to protect the public from adverse health effects related to the presence of molds in residential and commercial buildings. Among other things, requires the Department of Consumer Affairs, in consultation with the Department of Health Services, the Department of Industrial Relations, and members of the task force convened pursuant to this bill, to report on the need for competency standards for mold testing professionals and mold remediation specialists.	
SB 1144 Karnette	<u>Leased Motor Vehicles: Seatbelt Requirements</u>	Two Year Bill
	See page 3.	
SB 1178 Burton	<u>Automotive Crash Parts: Certification Study</u>	Enacted
	See page 3.	

(6) HEALTH CARE/HEALTH MAINTENANCE ORGANIZATIONS /MANAGED CARE

AB 42 Wayne	<u>Colorectal Cancer: Screening & Treatment</u>	Two Year Bill
	Would establish the Colorectal Cancer Screening and Treatment Program in the Department of Health Services. Would provide screening, medical referral, diagnosis, treatment, and outreach and education services to specified uninsured, underinsured, and high-risk persons.	
AB 68 Migden	<u>Skilled Nursing Services</u>	Enacted
	Provides for the licensure of private duty nursing agencies by the Department of Health Services. Defines private duty nursing agencies as an entity that provides or arranges for skilled nursing services at a patient's temporary or permanent place of residence.	
AB 142 Richman	<u>Health Care Service Plans: Provider Risk</u>	Vetoed
	Would have prohibited a contract between a health care service plan and a health care provider from requiring or allowing the provider to assume any financial risk for specified medications and adult vaccines. Additionally would have required the health care service plan to reimburse providers on a fee-for-service basis for the medications the provider acquires pursuant to this bill. <i>In his veto message, the Governor indicated that it is bad public policy for the government to dictate the contractual relationships of private parties, and that enactment of this bill would have lead to higher health care costs for consumers and employers.</i>	
AB 289 Oropeza	<u>Physician and Podiatrist Employment</u>	Enacted
	Authorizes a narcotic treatment clinic regulated by the Department of Alcohol and Drug Programs to employ licensed physicians and podiatrists, provided the clinic does not interfere with, control, or otherwise direct professional judgment of the physician or podiatrist.	

AB 338 Correa	<u>Nursing Education: Orange County Demonstration Project</u>	Two Year Bill
	Would allocate state funds to Santa Ana College, Saddleback College, Golden West College, and California State University, Fullerton, for purposes of the Orange County demonstration project to address the nursing shortage, and would specify the purposes for which the funds may be spent. Would require participating hospitals within Orange County to contribute up to \$1,700,000 in matching funds, and would prohibit the state funds from being encumbered unless and until the matching funds have been received by the educational institution.	
AB 487 Aroner	<u>Medical Professionals: Pain Management Education</u>	Enacted
	Requires all physicians to complete mandatory continuing education course in the subjects of pain management and the treatment of terminally ill and dying patients. Requires the Medical Board to develop standards for the investigation of complaints concerning the under-treatment and under-medication of a patient's pain.	
AB 644 Cox	<u>Home Health Agencies</u>	Withdrawn by Author
	Would have permitted registered and licensed vocational nurses to provide services through a home health agency with no previous professional nursing experience.	
AB 652 Horton	<u>University of California: Health Professions Education and Outreach</u>	Enacted
	Requests the Regents of the University of California to report to the Legislature by January 15, 2003, concerning the university's efforts to recruit medical, dental, and optometry students from communities and populations that are dentally and medically underserved. Requests the Regents to use existing resources to establish dental, medical, and optometric health professions outreach and exposure programs for elementary, high school, community college, and undergraduate students.	
AB 778 Firebaugh	<u>Pupils With Diabetes</u>	Two Year Bill
	Would require every school to provide a safe place where a pupil with diabetes may test his or her blood glucose level and receive insulin injections. Would require schools to ensure that, in the absence of school nurses, there are staff members competent in testing blood glucose level, recognizing and treating hypoglycemia and hyperglycemia, and administering insulin and glucagon injections.	
AB 900 Papan	<u>Local Emergency Medical Services Funds</u>	Vetoed
	Would have revised procedures for payment of claims against the Maddy Emergency Medical Services Fund and required each county to adopt a fee schedule and reimbursement methodology, notify physicians of the availability of the fund, and advise physicians regarding the process for submitting a claim against the fund. <i>In his veto message, the Governor indicated that this bill had merit, but since the bill was amended in entirety late in the year, the bill did not have appropriate legislative review and opportunity for public input.</i>	

AB 1045 Firebaugh	<u>Task Force on Culturally & Linguistically Competent Physicians and Dentists</u>	Two Year Bill
	Would extend until June 15, 2001 the date by which the subcommittee within the Task Force on Culturally and Linguistically Competent Physicians and Dentists must report to the Legislature. Also would extend the date by which the report is to be forwarded to the Legislature. Would require the report's recommendations to be incorporated into the relevant statutory provisions by the enactment of a statute.	
AB 1075 Shelley	<u>Skilled Nursing Facilities: Staffing Ratios</u>	Enacted
	Requires skilled nursing facilities to meet specified minimum staff-to-patient ratios developed by the Department of Health Services (DHS) and to post the staffing ratio requirements in a prominent location in the facility. Also, requires DHS to submit to the Legislature an annual status report regarding implementation of this statute, and to periodically consult with specified entities regarding adequacy of staffing ratios.	
AB 1140 Thomson	<u>Nursing: Shortage of Registered Nurses</u>	Two Year Bill
	Would declare the intent of the Legislature to address the shortage of registered nurses practicing in California.	
AB 1158 Cardenas	<u>Medical Professionals: Sex Offenses</u>	Two Year Bill
	Would make it a felony for any physician, nurse, physician's assistant, nursing assistant, X-ray technician, mental health care professional, or any person who falsely pretends to be one of these specified medical professionals, to perform or prolong a genital examination, including a female pelvic examination, a rectal examination, or a breast examination solely for the purpose of sexual gratification, arousal, or abuse.	
AB 1194 Correa	<u>Physician Assistants and Nurse Practitioners: Workers Compensation Cases</u>	Enacted
	Permits physician assistants and nurse practitioners to co-sign a doctor's first report of occupational injury or illness and to provide medical treatment to workers' compensation claimants, including authorizing the claimant to receive time off from work for a period not to exceed three calendar days if that authority is included in standardized procedures or protocols.	
AB 1253 Matthews	<u>Nursing</u>	Enacted
	Adds psychiatric-mental health nurses to the list of providers who may be reimbursed under the Victims of Crime Program, and revises the description of psychiatric-mental health nurses in various codes to add certified clinical nurse specialists who participate in expert clinical practice in the specialty of psychiatric mental health nursing.	
AB 1311 Goldberg	<u>Free Copies of Medical Records for Public Benefits Applicants</u>	Enacted
	Requires health care providers to provide specified patients with copies of their medical records at no cost when needed to support a claim or appeal regarding eligibility for public benefit programs.	

AB 1321 Aroner	<u>Health Care</u> Would create the Health Utilities Board, which would be charged with providing comprehensive, quality health care to all Californians and controlling health care costs through rate-setting, eliminating waste and inefficiency, and achieving public accountability for meeting standards of high quality care.	Two Year Bill
AB 1444 Maddox	<u>Dietetic Technicians</u> Establishes the title <i>dietetic technician, registered</i> . Expands the scope of practice for registered dietitians to include ordering medical laboratory tests related to nutritional therapeutic treatments and accepting or transmitting verbal or electronically transmitted orders or standards of protocol from the health care provider to implement medical nutrition therapy.	Enacted
AB 1490 Thomson	<u>Electronic Transmittal of Clinical Lab Test Results</u> Permits some clinical laboratory test results to be provided electronically, at the patient's request, if the health care professional ordering the test believes this to be the most appropriate method for transmitting the information. Prohibits test results for HIV, hepatitis, drug abuse, and routinely processed tissues, including skin biopsies, Pap smear tests, pregnancy, and bone marrow aspirations from being transmitted electronically.	Enacted
AB 1522 Thomson	<u>Health Care Coverage</u> Would declare legislative intent that the enrollees of health plans receive continuity of care.	Two Year Bill
AB 1562 Aanestad	<u>Telemedicine: Incentives</u> Would declare legislative intent to enact legislation to create incentives for the practice of telemedicine, which is defined as the practice of health care delivery, diagnosis, consultation, treatment, transfer of medical data, and education using interactive audio, video, or data communications.	Two Year Bill
AB 1589 Simitian	<u>Electronic Transmission of Prescriptions</u> Requires the Medical Board to consult with the Board of Pharmacy and commission a study that evaluates the electronic transmission of prescriptions by physicians and surgeons and report the results to the Legislature on or before January 1, 2003. Requires the report to include recommendations to encourage physicians and surgeons to use this method of transmitting prescriptions and identify systems to protect patients, including the issuance of a digital certification, as defined.	Enacted
AB 1616 Wright	<u>Sexual Misconduct by a Health Professional: Statute of Limitations</u> Extends from seven to ten years the time limit for filing an accusation alleging sexual misconduct by a licensed health professional, psychologist, marriage, family, and child counselor, or clinical social worker. Also extends the limitation period in cases in which the alleged misconduct involves a minor, until the minor reaches the age of majority.	Enacted

SB 111
Alpert

Medical Assistants

Enacted

Permits a medical assistant, in addition to being able to perform specified tasks under the supervision of a physician or podiatrist, to perform those identical tasks under the supervision of a physician assistant, nurse practitioner, or nurse-midwife in a licensed community care clinic. These tasks include venipuncture, injections, and other technical support services, which fall within the normal scope of practice for a medical assistant.

SB 451
Scott

Certified Developmental Assistants

Two Year Bill

Would provide for the certification of certified developmental assistants by the State Department of Health Services in specified long-term care facilities for the developmentally disabled. Would establish the requirements for certification, including classroom and practical training.

SB 455
Senate
Insurance

Health Care: Corporate Practice of Medicine

Enacted

Requires the Department of Insurance to report to the appropriate regulatory agency, any business or physician violating specified laws relating to ownership and operation of medical entities and professional corporations. Additionally, authorizes only primary care physicians and specialists to render a second opinion in cases where an enrollee or treating health professional requests one from a health plan.

SB 577
Burton

Complementary and Alternative Health Care Practitioners

Two Year Bill

Would provide that a person who discloses to a client that he or she is not a licensed physician shall not be in violation of certain provisions of the Medical Practice Act unless that person engages in specified diagnosis, treatment, and other activities.

SB 1027
Romero

Registered Nurses and Health Care Employees: Overtime

Two Year Bill

Would prohibit compulsory overtime for public and private industry registered nurses or health care industry employees after the conclusion of an employee's applicable daily work schedule and after 40 hours in a work week, except during a declared state of emergency.

SB 1080
Bowen

Medical Care Providers: Gynecological Cancers

Enacted

Compels physicians to comply with the current requirement to provide gynecological patients with information about the symptoms and diagnoses of gynecological cancers during their annual exams, and would impose citation and fine penalties for failing to do so.

(7) INSURANCE

AB 5
Calderon

Use of Credit Ratings

Two Year Bill

Would prohibit insurance providers from refusing to issue or renew an automobile insurance policy based solely on information in the consumer's credit report. Insurers who violate this provision would be liable for a civil penalty determined by the Insurance Commissioner, not to exceed \$5,000 for each violation, or \$10,000 if the violation is willful.

AB 923
Keeley

Uninsured Motorist Coverage

Two Year Bill

This placeholder bill is intended to carry legislation relating to uninsured motorist coverage.

SB 81
Speier

Uninsured Motorist Coverage for Victims of Crime

Enacted

Requires uninsured motorist coverage to include coverage for bodily injury to an insured that is caused by a person operating the injured insured's vehicle without consent in connection with criminal activity to which the injured insured is not a party, such as a carjacking.

In his signing message, the Governor indicates that this legislation was acceptable because it was very narrowly drawn, but he urges the Legislature to go no further down this path.

(8) INTERNET/ e-COMMERCE/ e-GOVERNMENT

AB 922
Nakano

Internet Service Providers: Forwarding of Electronic Mail

**Withdrawn by
author**

Would have required internet service providers to forward electronic mail to a new electronic mail address for a period of up to three months, for customers who subsequently discontinued the business relationship after maintaining service with the original provider for at least a year.

SB 135
Figueroa

Complaint Disclosure: Making Information About Contractors Public

Enacted

See page 10.

SB 394
Sher

Internet Tax Freedom Act: Continuation

Enacted

Provides that the California Internet Tax Freedom Act remain in effect only until January 1 2004, provided that the interim report due from the California Commission on Tax Policy in the New Economy is submitted to the Governor and Legislature by December 1, 2002. If the report is not submitted by that date, this provision will be repealed as of January 1, 2003.

SB 557
Figueroa

State Agency: Internet Transactions: Convenience Fees

**Withdrawn by
author**

Would have prohibited a state agency from charging a convenience fee or surcharge to any member of the public using the Internet to transact state business, including any fee or surcharge to cover the cost to the state agency of providing for payment by credit card over the Internet.

(9) MISCELLANEOUS CONSUMER ISSUES

AB 40
Vargas

Regulation of Video Games

Two Year Bill

Would regulate video arcade facilities, as defined, by requiring each amusement machine in the facility to be labelled with a rating category indicating the nature of its content. Contains other related enforcement provisions.

AB 161 Maddox	<u>Definition of Dog Breeder</u> Expands the definition of dog breeder to include entities that sell, transfer, or give away all or part of three or more litters or 20 or more dogs in a twelve month period. The statute also: 1) requires a breeder to provide adequate socialization with other dogs and with humans and 2) prohibits housing a dog primarily on wire flooring.	Enacted
AB 178 Cox	<u>Toxic Mold Notification</u> See page 15.	Two Year Bill
AB 357 Correa	<u>Health Studio Contracts</u> See page 3.	Vetoed
AB 491 Frommer	<u>Rental Vehicles: Damage Waiver Fee: Airport Facility Fee</u> See page 4.	Enacted
AB 698 Wesson	<u>Attorney General: Office of Immigrant Assistance</u> See page 8.	Vetoed
AB 739 Frommer	<u>Construction Defect Litigation</u> Would have extended the time during which a builder and a common interest development association could settle a dispute or submit it to alternative dispute resolution from a period not to exceed 90 days to a period not to exceed 180 days.	Withdrawn by author
AB 781 Campbell, John	<u>Rent Control: Mobilehome Parks</u> Would prohibit the application of a local rent control ordinance to a mobilehome park in which the average home value is \$300,000 or more, including the leasehold, or to a space in a park if the home on that space has sold for at least \$100,000 in excess of the full cash value.	Two Year Bill
AB 1008 Lowenthal	<u>Housing Grants: Tenants With Disabilities</u> Would create the Rental Housing Accessibility Grant Pilot Program within the Department of Housing and Community Development. Would provide grants for tenants with disabilities including mobility impairments, for the purpose of making exterior modifications to rental housing in order to make that housing accessible to persons with disabilities through December 31, 2003.	Two Year Bill
AB 1517 Canciamilla	<u>Public Guardians' Duties and Responsibilities</u> Clarifies and enhances existing law dealing with the duties and responsibility of public guardians.	Enacted
SB 85 Murray	<u>Health Studio Contracts</u> See page 5.	Enacted

SB 183 Burton	<u>Residential Security Deposit Guarantee Program</u>	Two Year Bill
	Would require the Business, Transportation and Housing Agency to establish a security deposit guarantee program. Also would require participating cities, counties, and cities and counties to award security deposit guarantee certificates to qualified households in order to guarantee the payment of damages on a security deposit that is required by a residential rental property owner.	
SB 189 Bowen	<u>Controlled Substance Release: Notification</u>	Enacted
	Requires an owner of residential real property who knows that any release of an illegal controlled substance has come to be located on or beneath that real property to give written notice of that condition to a prospective tenant or buyer.	
SB 384 Burton	<u>Gas Appliance Safety</u>	Two Year Bill
	See page 16.	
SB 581 Alarcon	<u>Residential Rental Property: Owner Registration</u>	Vetoed
	Would have required residential rental property owners that have been cited for substandard conditions to register with their local city or county building official or face criminal charges. <i>The Governor vetoed this bill based on the potential local costs. The Governor also wanted an opportunity to evaluate the effectiveness of the landlord registry in Los Angeles County, that was authorized by AB 1112 (Goldberg, Chapter 487, Statutes of 2001) before expanding the program to include the entire state.</i>	
SB 637 McPherson	<u>Bay Pilots: Monterey Bay</u>	Enacted
	Expands the regulation and licensing of bay pilots to include persons who pilot vessels into or out of any harbor or port of the Monterey Bay, along with the Bays of San Francisco, San Pablo, and Suisun.	
SB 724 Senate Business & Professions	<u>Home Medical Devices</u>	Enacted
	Revises the definition of home medical devices, expands the list of home medical devices that may be sold by pharmacies, and revises the requirements applicable to the storage of home medical devices by retail facilities.	
SB 724 Senate Business & Professions	<u>Process Servers</u>	Enacted
	Requires county clerks to issue temporary (120 day) identification (ID) cards to applicants seeking registration as process servers pending completion of background checks by the FBI and the Department of Justice. Requires the clerks to issue permanent ID cards when clearance has been obtained.	

SB 985
Kuehl

Rental Property: Termination Notification

Enacted

Requires a 30-day written notice by either party to terminate a month-to-month tenancy of non-residential real property located in the City of Los Angeles, the City of Santa Monica, or the City of West Hollywood, effective until January 1, 2005. Requires the property owner to serve a 60-day notice to terminate a month to month lease of residential real property. Prevents condominium conversions from being excluded from rent control if they continue to be owned by the developer following the conversion.

(10) NEW/PROPOSED REGULATORY PROGRAMS

AB 40
Vargas

Regulation of Video Games

Two Year Bill

See page 22.

AB 555
Dutra

Common Interest Development Managers

**Withdrawn by
author**

Would have created the California Common Interest Development Manager Registration Council to regulate common interest development (condominiums and housing developments) managers.

AB 875
Horton

California Auctioneer Commission

Two Year Bill

Would re-establish the regulation of auctioneers by creating the California Auctioneer Commission to license auctioneers.

SB 694
Sher

Regulation of Athlete Agents

Vetoed

Would have created a new licensing program within the Department of Consumer Affairs to regulate athlete agents. Specifically, the bill would have prohibited a person from acting as an athlete agent without a certificate of registration issued by the Department.

In his veto message, the Governor suggested that the Department of Industrial Relations may be the appropriate agency to regulate this profession.

(11) PRIVACY/IDENTITY THEFT

AB 21
Leslie

Financial Privacy: Opt-Out

Two Year Bill

See Page 12.

AB 203
Jackson

Financial Privacy: Opt-In

Two Year Bill

See Page 13.

AB 213
Nation

Mental Health Records: Licensed Marriage and Family Therapists

Enacted

Adds licensed marriage and family therapists to the health professionals who may approve the release of a patient's mental health information and records to persons designated by the patient.

AB 245 Wyland	<u>Identity Theft Crime</u> Provides that any person who willfully obtains personal identifying information, and uses that information for <i>any</i> unlawful purpose in the name of the other person (identity theft) without the consent of that person, is guilty of a crime, regardless of whether the personal identifying information was gained legally and/or with the person's consent.	Enacted
AB 488 Kehoe	<u>Identity Theft: Consumer Credit Reports</u> See page 13.	Enacted
AB 655 Wright	<u>Identity Theft: Credit Card Solicitations</u> See page 13.	Enacted
AB 784 Hertzberg	<u>Privacy Protection: Customer Records</u> See Page 14.	Two Year Bill
AB 839 Lowenthal	<u>Junk Faxes</u> See Page 4.	Two Year Bill
AB 1155 Dutra	<u>Identity Theft: DMV Records</u> Would make it a crime for any government employee to knowingly assist another person in obtaining a false driver's license, identification card, vehicle registration certificate, or other official document issued by the Department of Motor Vehicles.	Two Year Bill
AB 1474 Koretz	<u>Driver's License and Identification Card Fee Increase: Identity Theft</u> Would increase driver's license fees by \$1 for a period of five years to enhance identity theft prevention technology associated with driver's licenses.	Two Year Bill
SB 43 Murray	<u>Release of Student Information</u> Would prohibit postsecondary educational institutions from disclosing to anyone not employed by the institution any directory information regarding a current student enrolled at that institution without the disclosure to the student of the purposes for which the information will be used and the written or electronic permission of the student to disclose the information for those purposes.	Two Year Bill
SB 113 Haynes	<u>Pupil and Family Privacy</u> Would prohibit the physical examination of a pupil under the age of 12 without a parent's consent, prohibit a pupil's Social Security number from being used as a personal identifier except where required by federal law, and prohibit schools from conducting surveys of pupils.	Two Year Bill

SB 125 Alpert	<u>Identity Theft Remedies</u>	Enacted
	Requires financial institutions to release information and evidence related to identity theft to law enforcement agencies and victims. Also allows identity theft victims to receive a free copy of the original fraudulent credit applications upon providing a written request accompanied by the police report and a written notice that s/he is an identity theft victim.	
SB 147 Bowen	<u>Employee Computer Records</u>	Vetoed
	Would have prohibited an employer from secretly monitoring employees' email or other computer records generated by employees. The bill would have required an employer to inform employees of the workplace privacy and electronic monitoring policies and practices prior to inspecting, reviewing, or retaining any email or other computer records. Similar bills were vetoed in 2000 (SB 1822, Bowen) and 1999 (SB 1016, Bowen).	
SB 168 Bowen	<u>Identity Theft: Credit Report and Social Security Number Protection</u>	Enacted
	Restricts the public display of individuals' Social Security numbers, and requires credit reporting agencies to place security alerts and freezes on the accounts of consumers who have been the victims of identity theft.	
SB 169 Bowen	<u>Personal Information: Facial Recognition Technology</u>	Two Year Bill
	Would state legislative intent to regulate biometric identifiers and facial recognition technology.	
SB 222 Torlakson	<u>Regional Identity Theft Units</u>	Two Year Bill
	Would create the Identity Theft Victim's Protection Act of 2001 by requiring the Office of Criminal Justice Planning to establish regional identity theft units as components of existing High Technology Task Forces. This is a reintroduction of AB 1949 (Hertzberg, 2000).	
SB 247 Speier	<u>Birth Certificates: Certified Copies: Access</u>	Two Year Bill
	Would require any state or local agency that supplies certified copies of birth certificates to keep a record of the names and addresses of everyone who requests certified copies of birth certificates.	
SB 661 Dunn	<u>Driver's Licenses: Identification Cards: Biometric Identifiers</u>	Two Year Bill
	Would require the Department of Motor Vehicles (DMV) to create a biometric identifier from applicants' fingerprints to ensure that applicants are only issued one driver's license or identification card. Also would prohibit the DMV from providing this information to any third party.	
SB 666 Peace	<u>Privacy: Personal Information</u>	Two Year Bill
	This placeholder bill currently makes technical, nonsubstantive changes to the Information Practices Act.	
SB 667 Peace	<u>Traffic Light Operations: Red Light Camera Restrictions</u>	Enacted
	Requires yellow lights on traffic signals to operate at intervals specified in the Caltrans Traffic Manual if the traffic signals are at intersections where red light cameras are used.	

SB 683 Ortiz	<u>Medical Confidentiality</u> Expands the privacy protections of confidential medical information contained in cancer and birth defects monitoring programs to prohibit the information from being subject to subpoena or discovery in any proceeding.	Enacted
SB 763 Murray	<u>Privacy: Personal Privacy Protection Act</u> Would enact the Personal Privacy Protection Act of 2001, which would be amended to include provisions related to individuals' privacy rights. This bill is currently a placeholder bill and contains no specific provisions.	Two Year Bill
SB 764 Murray	<u>Personal Information: Personal Identifying Information Protection Act</u> Would enact the Personal Identifying Information Protection Act of 2001. This bill is currently a placeholder bill and contains no specific provisions.	Two Year Bill
SB 771 Figueroa	<u>Telemarketing "Do Not Call" List</u> Requires the Attorney General, by January 1, 2003, to establish a telemarketing "do not call" list containing residential and wireless telephone numbers of persons who do not want unsolicited telephone calls from telemarketers. Stipulates that consumers will be charged a subscription fee of not more than \$1 every three years. Requires telephone solicitors to pay a fee for the list to offset the costs of maintaining the "do not call" list.	Enacted
SB 773 Speier	<u>Financial Privacy: Opt-In & Opt-Out Protections</u> See page 15.	Two Year Bill
SB 1050 Torlakson	<u>Identity Theft: Credit Card Verification</u> Would require the Department of Consumer Affairs to recommend a system to the Legislature that would encourage retailers to verify the identities of customers making purchases by credit card or check. Also would require the Department to include a recommendation on a system to ensure that businesses are complying with the statutory requirement to print only the last five digits of a consumer's credit card number on any electronically generated receipt.	Two Year Bill
SB 1083 Bowen	<u>Vital Statistics: Birth Certificates: Certified Copies</u> Would state the intent of the Legislature to enact legislation limiting who may obtain certified copies of birth certificates. The bill is currently a placeholder bill and contains no specific provisions.	Two Year Bill
SB 1090 Bowen	<u>Video Provider Privacy Protections</u> Prohibits satellite television providers from using electronic devices to observe, listen to, record, or monitor the activities of their subscribers without the subscriber's written consent. These privacy protections already exist for cable television subscribers.	Enacted

(12) TELECOMMUNICATIONS

AB 728
Correa

Telephone Prepaid Debit Cards

Two Year Bill

Would require prepaid calling services companies to provide their customers with the toll-free customer service telephone number to call if the customer wishes to file a complaint with the Public Utilities Commission. This bill would also increase bonding requirements for companies by requiring them to maintain a performance bond for the value of outstanding prepaid telephone debit cards for the purpose of refunding or honoring the time left to consumers.

AB 839
Lowenthal

Junk Faxes

Two Year Bill

See page 4.

AB 870
Wesson

Telemarketing: Predictive Dialers/Phantom Calls

Enacted

Prohibits the use of predictive dialers for telemarketing calls that make telephone connections with the consumer before a telemarketer or prerecorded message is available to greet the consumer, leaving the consumer greeted by silence on the other end of the phone. Also requires the Public Utilities Commission (PUC) to establish an acceptable error rate for these devices, as well as allows the PUC to require businesses who use these devices to maintain records on each occurrence where the predictive dialer dialed a number without a person or prerecorded message available for the consumer.

SB 17
Figueroa

Telemarketing “Do Not Call” List

**Withdrawn by
Author**

Would have required the Department of Consumer Affairs to maintain a telemarketing “do not call” list. Similar provisions were amended into SB 771 (Figueroa), which was signed into law by the Governor.

SB 771
Figueroa

Telemarketing “Do Not Call” List

Enacted

See page 28.

(13) UTILITIES

SBX1 5
Sher

Energy Conservation

Enacted

Authorizes state agencies to establish, implement, and promote energy efficiency programs including an allocation of \$10 million to the Department of Consumer Affairs for this purpose.